

HOUSE JOINT RESOLUTION 7

By McDonald

A RESOLUTION relative to federal approval of the Midwestern Gas Transmission Company's proposed extension of its natural gas pipeline via its Eastern Extension Project.

WHEREAS, the Midwestern Gas Transmission Company (MGT) is in the process of filing an application for a Certificate of Public Convenience and Necessity (Certificate) with the Federal Energy Regulatory Commission (FERC) to construct, own and operate an extension to its existing interstate natural gas pipeline system that has been designated as MGT's Eastern Extension Project; and

WHEREAS, FERC is charged with the responsibility of approving the location, construction, and operation of interstate pipelines, facilities and storage fields involved in moving natural gas across state boundaries; and

WHEREAS, MGT has already initiated the pre-filing process for its planned Eastern Extension Project, this process begins FERC's review of the proposed Project pursuant to the National Environmental Policy Act prior to the commission's receipt of MGT's actual application for a Certificate; and

WHEREAS, MGT has also announced its intention to prepare to its own Environmental Assessment (a component of the application process required by federal law), with its Certificate application to FERC; and

WHEREAS, MGT's Eastern Extension Project involves the installation of approximately thirty (30) miles of sixteen inch (16") diameter pipeline (mostly underground) commencing at MGT's Portland Station near Portland, Tennessee (in Sumner County) and traversing southeasterly to proposed interconnects with the interstate pipeline systems of Columbia Gulf

Transmission Company and East Tennessee Natural Gas Company located near Hartsville, Tennessee (both in Trousdale County); and

WHEREAS, if approved by FERC and completed, MGT's Eastern Extension Project will result in the transportation of 120 million cubic feet per day of natural gas along such pipeline; and

WHEREAS, MGT's proposed Eastern Extension Project is disturbing to the good people of Sumner County and other affected communities, and indeed the members of this General Assembly, because it unfairly favors increasing profits for corporations over preserving quality of life for citizens; tramples citizens' property rights while also permanently devaluing their real property; presents the potential for significant harm to the natural environment across the Highland Rim; and raises many legitimate safety concerns; and

WHEREAS, like most projects of this nature, the pipeline for MGT's proposed Eastern Extension Project will require a permanent fifty-foot (50') right-of-way; and

WHEREAS, if FERC approves the Project by issuing a Certificate and MGT cannot reach an agreement with individual landowners, MGT may acquire the easement for the pipeline and right-of-way under eminent domain (a right given to the company by federal statute to take land for FERC-authorized use) with a court determining just compensation for the landowner pursuant to state law; in other words, affected landowners ultimately have no choice concerning the use of their land if the Project is approved; and

WHEREAS, either by agreement or court action, the affected landowners will be compensated only once for the appropriation of their land, while MGT will continue to reap the economic benefits of the pipeline for many years to come; clearly, this is an arrangement that unfairly benefits one party (MGT) to the great detriment of others (affected landowners and the community at large); and

WHEREAS, agreements or court orders establishing easements for pipelines nearly always prohibit the landowner from building on the easement; this fact, coupled with the permanent 50-foot right-of-way and the required thirty-six inches (36") of ground cover for the pipeline, permanently devalues affected real property, both in terms of current and future use, and the landowner's ability to sell the property; and

WHEREAS, MGT's Eastern Extension Project would traverse the Highland Rim, an area featuring rugged terrain that would almost certainly require blasting for the proper location of the underground pipeline; blasting has the potential for disrupting, or even permanently damaging, the water supply for the communities of the Highland Rim, and would certainly disturb the rural serenity of the area; and

WHEREAS, MGT's proposed Project also presents significant safety concerns for Tennesseans living in proximity to the pipeline; natural gas pipeline explosions do occur, and when they do, havoc is wrought on both human life and property for miles around; and

WHEREAS, for the aforementioned reasons, it is abundantly clear that MGT's proposed natural gas pipeline extension across the Highland Rim does not serve the best interests of the Tennessee communities it would affect (for it fails to promote fairness and equity under the law, does not respect property rights, and could potentially damage the environment and water supply and create unsafe living conditions for thousands of Tennesseans), and thus this ill-conceived project should not be approved by FERC; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That this General Assembly hereby most fervently urges and encourages the Federal Energy Regulatory Commission to deny Midwestern Gas Transmission Company's application for a Certificate of Public Convenience and Necessity for its so-called Eastern Extension Project, because such project is not convenient, nor is it necessary to serve the public's best interests.

BE IT FURTHER RESOLVED, That this General Assembly hereby calls upon Tennessee's Congressional delegation, and especially Senator Bill Frist, Senator Lamar Alexander, and Congressman Bart Gordon, to utilize their respective powers and influence to the fullest extent possible to convince FERC to deny MGT's application for a Certificate to extend its existing natural gas pipeline system via the ill-conceived and potentially disastrous Eastern Extension Project.

BE IT FURTHER RESOLVED, That enrolled copies of this resolution be transmitted to the Federal Energy Regulatory Commission and to each member of Tennessee's Congressional delegation.